

FEB 21 2014

BY: JULIA E. CLARK, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DAVID EATON,)	CASE NO. 7:13CV00367
)	
Petitioner,)	
v.)	FINAL ORDER
)	
COMMONWEALTH OF VIRGINIA,)	By: James C. Turk
)	Senior United States District Judge
Respondent.)	

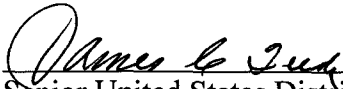
In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that petitioner's motion for appointment of counsel (ECF No. 2) is **DENIED**; the motion to dismiss (ECF No. 4) is **GRANTED**; the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** with prejudice, and this action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 2/14 day of February, 2014.


Senior United States District Judge